

REDACTED

BEFORE THE DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation
Against:

LAWRENCE R. WINN, M.D.
Certificate No. AO-8690,

Respondent.

No. D-3293

DECISION

The attached Stipulation is hereby adopted by the Division
of Medical Quality of the Board of Medical Quality Assurance as its
Decision in the above-entitled matter.

This Decision shall become effective on March 28, 1986.

IT IS SO ORDERED February 27, 1986.

DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE



MILLER MEDEARIS
Secretary-Treasurer

1 JOHN K. VAN DE KAMP, Attorney General
of the State of California
2 CONSTANCE M. BARTON
Deputy Attorney General
3 1515 K Street, Suite 511
Sacramento, California 95814
4 Telephone: (916) 324-5363
5 Attorneys for Complainant
6
7

8 BEFORE THE
DIVISION OF MEDICAL QUALITY
9 BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
10 STATE OF CALIFORNIA

| | | | |
|----|---------------------------------|---|-----------------------|
| 11 | In the Matter of the Accusation |) | No. D-3293 |
| 12 | Against: |) | |
| 13 | LAWRENCE R. WINN, M.D. |) | |
| 14 | 3051 Fulton Avenue |) | STIPULATION, DECISION |
| 15 | Sacramento, California 95821 |) | <u>AND ORDER</u> |
| 16 | Physician's and Surgeon's |) | |
| 17 | Certificate No. AO-8690 |) | |
| 18 | Respondent. |) | |

18 It is hereby stipulated by the parties to the above-
19 entitled matter as follows:

20 1. Accusation No. D-3293 has been filed and served upon
21 Lawrence R. Winn, M.D. (hereinafter "Respondent") by certified
22 mail and Respondent filed a timely Notice of Defense requesting a
23 hearing on the charges. Said accusation is incorporated herein
24 by reference as though fully set forth.

25 2. Respondent has fully discussed with his counsel,
26 Richard K. Turner, the charges and allegations of violations
27 alleged in the accusation and has been fully advised of his

1 rights under the Administrative Procedures Act, including his
2 right to a formal hearing and an opportunity to defend against
3 the charges contained therein, reconsideration, and appeal from
4 any adverse decision which might be rendered following the
5 hearing. Respondent knowingly and intelligently waives all of
6 said rights.

7 3. Respondent admits the allegations contained in
8 Accusation No. D-3293 and that his physician's and surgeon's cer-
9 tificate is subject to discipline pursuant to Sections 2220 and
10 2227 of the Business and Professions Code (hereinafter the
11 "Code") in that he has violated Sections 2234(a), 2234(e),
12 2236(a), 490, 2242(a), and 2264 of the Code and Section 2238 of
13 the Code in conjunction with Section 11154 of the Health and
14 Safety Code. The particulars are as follows:

15 a. (1) On or about September 12, 1984, in a pro-
16 ceeding entitled People v. Lawrence Ray Winn, M.D., in the
17 Municipal Court, County of Sacramento, Case No. 70404F, following
18 a plea of nolo contendere, Respondent was convicted of violating
19 Section 119(e) of the Business and Professions Code, permitting
20 unlawful use of a license issued to him.

21 (2) The conviction was substantially related to
22 the qualifications, functions or duties of a physician and
23 surgeon in that the conviction resulted from facts arising out of
24 Respondent's operation of a weight control clinic with his son,
25 S█████ R. W█████.

26 b. Respondent employed, aided and abetted his son,
27 S█████ R. W█████, to engage in the practice of medicine and treat

1 Respondent's patients when Respondent knew that his son was not a
2 licensed practitioner.

3 c. The foregoing acts by Respondent were acts of dis-
4 honesty or corruption substantially related to the qualifica-
5 tions, functions, or duties of a physician and surgeon.

6 d. (1) On January 4, 1984, Respondent wrote a tripli-
7 cate prescription at the request of Respondent's son,
8 S█████ W█████, for Preludin, 25 mg., #25, a Schedule II dangerous
9 drug, for C█████ P█████, which prescription was subsequently
10 mailed to Ms. P█████.

11 (2) At the time that Ms. P█████ received the
12 prescription for Preludin, she was not under Respondent's treat-
13 ment for a pathology or condition.

14 4. The foregoing admission is made for the purpose of
15 this stipulation only, and in the event this stipulation is not
16 adopted by the Board of Medical Quality Assurance, the admission
17 made herein shall be null, void and inadmissible in any proceed-
18 ing involving the parties to it.

19 WHEREFORE, it is stipulated that the Board of Medical
20 Quality Assurance may issue the following order:

21 1. Physician's and Surgeon's Certificate No. AO-8690
22 issued to Respondent Lawrence R. Winn, M.D., is hereby revoked;
23 however, the execution of said order of revocation shall be
24 stayed and Respondent is placed on probation for five years upon
25 the following terms and conditions:

26 /
27 /
3.

1 a. As part of probation, Respondent is suspended from
2 the practice of medicine for 90 days beginning with the effective
3 date of this decision.

4 b. Respondent shall not prescribe, administer,
5 dispense, order, or possess any controlled substances as defined
6 by the California Uniform Controlled Substances Act, except for
7 those drugs listed in Schedules III, IV and V of the Act.

8 Respondent shall immediately surrender Respondent's
9 current DEA permit to the Drug Enforcement Administration for
10 cancellation and reapply for a new DEA permit limited to those
11 schedules authorized by this order.

12 c. Orders forbidding Respondent from personal use or
13 possession of controlled substances or dangerous drugs do not
14 apply to medications lawfully prescribed to Respondent for a bona
15 fide illness or condition by another practitioner.

16 d. Within 90 days of the effective date of this deci-
17 sion, and on annual basis thereafter, Respondent shall submit to
18 the Division for its prior approval an educational program or
19 courses related to medical therapeutics and general medicine,
20 which shall not be less than 40 hours per year, for each year of
21 probation. This program shall be in addition to the Continuing
22 Medical Education requirements for re-licensure. Following the
23 completion of each course, the Division or its designee may
24 administer an examination to test Respondent's knowledge of the
25 course. Respondent shall provide proof of attendance for 65
26 hours of continuing medical education of which 40 hours were in

27 /

4.

1 satisfaction of this condition and were approved in advance by
2 the Division.

3 e. Within 60 days of the effective date of this deci-
4 sion, Respondent shall take and pass an oral clinical examination
5 in family practice to be administered by the Division or its
6 designee. If Respondent fails this examination, Respondent must
7 wait three months between examinations, except that after three
8 failures Respondent must wait one year to take each necessary
9 examination thereafter. The Division shall pay the cost of the
10 first examination and Respondent shall pay the costs of any sub-
11 sequent examinations. Respondent shall not practice medicine
12 until Respondent has passed this examination and has been so
13 notified by the Division in writing.

14 f. Respondent shall obey all federal, state and local
15 laws, and all rules governing the practice of medicine in
16 California.

17 g. Respondent shall submit quarterly declarations under
18 penalty of perjury on forms provided by the Division, stating
19 whether there has been compliance with all the conditions of pro-
20 bation.

21 h. Respondent shall comply with the Division's proba-
22 tion surveillance program.

23 i. Respondent shall appear in person for interviews
24 with the Division's medical consultant upon request at various
25 intervals and with reasonable notice.


26 j. In the event Respondent should leave California to
27 reside or to practice outside the State, Respondent must notify

1 in writing the Division of the dates of departure and return.
2 Periods of residence or practice outside California will not
3 apply to the reduction of this probationary period.

4 k. Upon successful completion of probation,
5 Respondent's certificate will be fully restored.


6 l. If Respondent violates probation in any respect, the
7 Division, after giving Respondent notice and the opportunity to
8 be heard, may revoke probation and carry out the disciplinary
9 order that was stayed. If an accusation or petition to revoke
10 probation is filed against Respondent during probation, the
11 Division shall have continuing jurisdiction until the matter is
12 final, and the period of probation shall be extended until the
13 matter is final.

14
15
16 DATED: _____


LAWRENCE R. WINN, M.D.

Respondent

17
18
19 DATED: _____


RICHARD K. TURNER

Attorney for Respondent

20
21
22 JOHN K. VAN DE KAMP, Attorney
General of the State of California

23
24 DATED: Nov. 5, 1985

by: 

CONSTANCE M. BARTON
Deputy Attorney General

1 JOHN K. VAN DE KAMP, Attorney General
of the State of California
2 CONSTANCE M. BARTON
Deputy Attorney General
3 1515 K Street, Suite 511
Sacramento, California 95814
4 Telephone: (916) 324-5363

5 Attorneys for Complainant
6

7 BEFORE THE
DIVISION OF MEDICAL QUALITY
8 BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
9 STATE OF CALIFORNIA
10

11 In the Matter of the Accusation) No. D-3293
Against:)
12)
LAWRENCE R. WINN, M.D.) ACCUSATION
13 3051 Fulton Avenue)
Sacramento, California)
14 95821)
Physician's and Surgeon's)
15 Certificate No. AO-8690)
16 Respondent.)
17)
18

19 Complainant, Kenneth J. Wagstaff, alleges:

20 I.

21 He is the Executive Director of the Board of Medical
22 Quality Assurance of the State of California (hereinafter referred
23 to as the "Board") and makes and files this Accusation in his
24 official capacity and not otherwise.

25 II.

26 On April 12, 1940, Lawrence R. Winn (hereinafter
27 referred to as "respondent") was issued Physician's and Surgeon's

1.

1 Certificate No. AO-8690, by the Board and at all times herein
2 mentioned respondent was, and now is, licensed to practice
3 medicine and surgery in the State of California.

4 III.

5 Under sections 2220 and 2227 of the Business and
6 Professions Code (hereinafter referred to as the "Code"), the
7 Division of Medical Quality may take action against all persons
8 guilty of violating the Medical Practices Act, and may suspend or
9 revoke any certificate issued.

10 IV.

11 Section 2234 of the Code provides, in pertinent part,
12 that the Division of Medical Quality shall take action against
13 any licensee who is charged with unprofessional conduct and that
14 unprofessional conduct includes, but is not limited to:

15 "(a) Violating or attempting to violate,
16 directly or indirectly, or assisting in or abetting
17 the violation of, or conspiring to violate any
18 provision of this chapter.

19 * * *

20 "(e) The commission of any act involving
21 dishonesty or corruption which is substantially
22 related to the qualifications, functions, or
23 duties of a physician or surgeon."

24 V.

25 Section 2264 provides that the employing, directly or
26 indirectly, the aiding, or the abetting of any unlicensed person
27 or any suspended, revoked, or unlicensed practitioner to engage

1 in the practice of medicine or any other mode of treating the sick
2 or afflicted which requires a license to practice constitutes
3 unprofessional conduct.

4 VI.

5 Section 119(e) of the Code provides that any person
6 who permits any unlawful use of a license or certificate issued
7 to him, which is regulated by the Code, is guilty of a
8 misdemeanor.

9 VII.

10 Section 490 of the Code provides that a license may be
11 suspended or revoked if the licensee has been convicted of a
12 crime substantially related to the qualifications, functions,
13 or duties of the business or profession for which the license was
14 issued.

15 VIII.

16 Section 2236(a) of the Code provides that the conviction
17 of any offense substantially related to the qualifications,
18 functions, or duties of a physician and surgeon constitutes
19 unprofessional conduct within the meaning of the Medical Practices
20 Act.

21 IX.

22 Section 11154 of the Health and Safety Code provides
23 that except in the regular practice of his profession, no person
24 shall knowingly prescribe, dispense, or furnish a controlled
25 substance to or for any person or animal not under his treatment
26 for a pathology or condition other than addiction to a controlled
27 substance.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

X.

Section 2238 of the Code provides that a violation of any federal statute or federal regulation or any of the statutes or regulations of this state regulating narcotics, dangerous drugs, or controlled substances constitutes unprofessional conduct.

XI.

Section 2242(a) provides that prescribing, dispensing, or furnishing dangerous drugs as defined in section 4211 without a good faith prior examination and medical indication therefor, constitutes unprofessional conduct.

XII.

"Preludin", also known as "phenmetrazine hydrochloride", is a dangerous drug within the meaning of section 4211 of the Code, and is listed as a Schedule II controlled substance in section 11055(d)(2) of the Health and Safety Code and in 21 C.F.R. 1308.12(d)(3) of the Federal Controlled Substances Act.

XIII.

Respondent is subject to discipline for unprofessional conduct pursuant to section 2234(a) of the Code within the meaning of sections 2236(a) and 490 of the Code. The particulars are as follows:

A. On or about September 12, 1984, in a proceeding entitled People vs. Lawrence Ray Winn, M.D., in the Municipal Court, County of Sacramento, Case No. 70404F, following a plea of nolo contendere, respondent was convicted of violating section 119(e) of the Business and Professions Code, permitting unlawful use of a license issued to him.

1 B. The conviction was substantially related to the
2 qualifications, functions or duties of a physician and surgeon
3 in that the conviction resulted from facts arising out of
4 respondent's operation of a weight control clinic with his son,
5 S█████ R. W█████.

6 XIV.

7 Respondent is subject to discipline for unprofessional
8 conduct pursuant to section 2234(a) of the Code within the
9 meaning of section 2264 in that he was employing, aiding and
10 abetting his son, S█████ R. W█████, to engage in the practice of
11 medicine and treat respondent's patients when respondent knew that
12 his son was not a licensed practitioner.

13 XV.

14 Respondent is subject to discipline for unprofessional
15 conduct pursuant to section 2234(e) in that he has committed acts
16 of dishonesty or corruption substantially related to the
17 qualifications, functions, or duties of a physician and surgeon
18 as alleged in Paragraphs XIII and XIV above, and which are
19 incorporated herein by reference as though fully set forth.

20 XVI.

21 Respondent is subject to discipline for unprofessional
22 conduct pursuant to section 2234(a) of the Code within the
23 meaning of section 2238 in conjunction with section 11154 of the
24 Health and Safety Code. The particulars are as follows:

25 1. On January 4, 1984, respondent wrote a triplicate
26 prescription at the request of respondent's son, S█████ W█████,
27 for Preludin, 25 mg, #25, a Schedule II dangerous drug, for

1 [REDACTED], which prescription was subsequently mailed
2 to Ms. P [REDACTED].

3 2. At the time that Ms. P [REDACTED] received the
4 prescription for Preludin, she was not under respondent's
5 treatment for a pathology or condition.

6 XVII.


7 Respondent is subject to discipline for unprofessional
8 conduct pursuant to section 2234(a) of the code within the meaning
9 of section 2242(a) in that respondent prescribed Preludin, a
10 Schedule II dangerous drug, to Ms. P [REDACTED], as alleged in
11 Paragraph XVI above, without a good faith prior examination and
12 medical indication.

13 WHEREFORE, complainant prays that the Board hold a
14 hearing on the matters alleged herein, and following a hearing
15 issue a decision:

16 1. To revoke or suspend respondent's Certificate
17 No. AO-8690.

18 2. To take such other and further action as the Board
19 deems necessary and proper.

20 DATED: January 14, 1985.

21
22 
23 KENNETH J. WAGSTAFF, Executive Director
24 Board of Medical Quality Assurance
25 Department of Consumer Affairs
26 State of California

27 Complainant

03573110-
SA84AD0639